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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-------------------------|---------------------|------------------|
| 09/965,767   | 09/27/2001  | Pieter Theunis de Leeuw | 9424.161US01        | 3418             |
| 23552  | 7590        | 11/12/2004              | EXAMINER            |                  |
| MERCHANT & GOULD PC<br>P.O. BOX 2903<br>MINNEAPOLIS, MN 55402-0903 |             |                         | LEO, LEONARD R      |                  |
|  |             |                         | ART UNIT            | PAPER NUMBER     |
|  |             |                         | 3753                |                  |

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |  |  |
|------------------------------|-------------------------------|--|--|
| <b>Office Action Summary</b> | Application No.<br>09/965,767 | Applicant(s)<br>DE LEEUW, PIETER THEUNIS |  |
|                              | Examiner<br>Leonard R. Leo    | Art Unit<br>3753                         |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,4,6,8,9,11,12 and 14-23 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 2,4,6,8,9,11,12 and 14-23 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

The amendment filed on August 16, 2004 has been entered. Claims 1, 3, 7, 10 and 13 are cancelled, and claims 2, 4, 6, 8-9, 11-12 and 14-23 are pending.

#### ***Specification***

A substitute specification with the claims is required pursuant to 37 CFR 1.125(a) because the facsimile is illegible for printing.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

#### ***Claim Objections***

Claim 2 is objected to because of the following informalities: a tube-sided supply *or* discharge is recited in claim 15. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2, 4, 6, 8-9, 11-12 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (2,110,024) in view of Kipp.

Miller (2,110,024) discloses all the claimed limitations except a plug with a clamping member.

Kipp discloses a plug comprising a body part 1 and clamping member 6 for the purpose of retaining sealing ring 11 on the body part.

Since Miller (2,110,024) and Kipp are both from the same field of endeavor and/or analogous art, the purpose disclosed by Kipp would have been recognized in the pertinent art of Miller (2,110,024).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Miller (2,110,024) a clamping member for the purpose of retaining sealing ring on the body part as recognized by Kipp.

Regarding claims 4, 8, 11, and 14, both Miller (2,110,024) and Kipp disclose threaded bores and plugs.

Regarding claims 17, 19, 21 and 23, Kipp discloses support members 12, 13

Claims 2, 4, 9, 11, 15-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (2,608,388) in view of Kipp.

Miller (2,608,388) discloses all the claimed limitations except a plug with a clamping member.

Kipp discloses a plug comprising a body part 1 and clamping member 6 for the purpose of retaining sealing ring 11 on the body part.

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Since Miller (2,608,388) and Kipp are both from the same field of endeavor and/or analogous art, the purpose disclosed by Kipp would have been recognized in the pertinent art of Miller (2,608,388).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Miller (2,608,388) a clamping member for the purpose of retaining sealing ring on the body part as recognized by Kipp.

Regarding claims 4 and 11, both Miller (2,608,388) and Kipp disclose threaded bores and plugs.

Regarding claims 17 and 21, Kipp discloses support members 12, 13

### ***Response to Arguments***

The anticipatory rejections in view Gardner, Vollhardt, Miller (2,110,024 and 2,608,388), Dawson and Nickerson are withdrawn.

The amended subject matter of the plugs is met by the secondary reference of Kipp.

No further comments are deemed necessary at this time.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

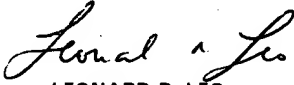
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard R. Leo whose telephone number is 703-308-2611. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 703-308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
LEONARD R. LEO  
PRIMARY EXAMINER  
ART UNIT 3753

November 2, 2004